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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,062	03/12/2004	Takahiro Inoue	36548	8439
116 7590 05/08/2008 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER				
VAN, QUANG T				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
05/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,062

Applicant(s)

INOUE ET AL.

Examiner

Quang T. Van

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

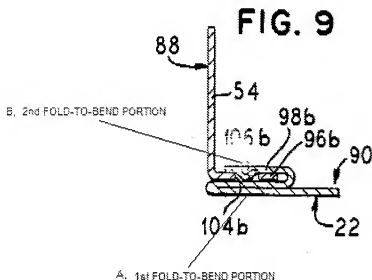
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 1, 3, 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al (US 4,609,801). Spencer discloses a cavity construction for microwave oven comprising a front plate (22) having an opening portion (figure 4); and an inner main body (30, col. 4, lines 43-47) bonded to a peripheral edge (90) of the opening portion for cooking at inside of the inner main body (30); wherein at least either one of the bonding portions of the front plate (30) and the inner main body includes a first fold-to-bend portion (A, Figure below) constituted by folding to bend an end portion thereof to invert to be brought into close contact therewith, and a second fold-to-bend portion (B, Figure below) constituted by inverting a portion on a side of an end portion of the first fold-to-bend portion (A) with a predetermined clearance therebetween, and wherein other of the bonding portions of the front plate (22) and the inner main body (30) includes a flange portion (96b) inserted into the clearance between the first fold-to-bend portion (A) and the second fold-to-bend portion (B), and called to bond (col. 5, line 58). Spencer also discloses the flange portion has a locking hole and the second fold-to-bend portion has a locking projection that penetrates through the locking hole. Spencer does not disclose the second fold-to-bend portion has a locking hole and the flange

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portion has a locking projection that penetrates through the Locking hole. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a second fold-to-bend portion has a Locking hole and a flange portion has a Locking projection that penetrates through the Locking hole, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. With regard to claim 8, Spencer silent about the locking hole (104b) is a hole in shape of long hole, which act as a dowel hole. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a locking hole is a hole in shape of long hole, which act as a dowel hole, since there is no mention in the specification that the long locking hole is a better locking hole and improve in the perform of the present invention; therefore, a round locking hole as taught by Spencer and the long locking hole as taught by the present application for their use for locking are considered equivalents and one of ordinary skill in the art would have found it obvious to substitute the round locking hole and the long locking hole.



NOTE: With regard to claim 1, the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this case, the term "calked to bond", recited in claim 1, line 17, is considered a product-by-process; therefore, no patentable weight is given to the term.

3. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al (US 4,609,801) in view of Enami (US 4,563,559). Spencer discloses substantially all features of the claimed invention except insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body. Enami discloses an inner box (4) for a cooking appliance having insulating films are formed on a surface of the front plate (5) on a side opposed to a side of being connected with the inner main body

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and an outer side surface of the inner main body (col. 1, lines 40-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Spencer insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body as taught by Enami in order to improve visible appearance.

Response to Amendment

4. Applicant's arguments filed 11/29/2007 have been fully considered but they are not persuasive.
5. Applicants argue "the instant invention is not obvious in view of Spencer as a mere reversal of parts. Specifically, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the hole in the second fold-to-bend portion, and the locking projection on the flange portion. For example, there is absolutely nothing in Spencer, nor in any of the other cited prior art, demonstrating that one of skill in the art would modify the described crimping connection. Furthermore, Spencer was patented over twenty years ago (September 2, 1986), and since that time it was unknown to incorporate the hole in the second fold-to-bend portion, and the locking projection on the flange portion, to provide greater ease in manufacturing and a stronger and more reliable coupling. Accordingly, the instant application provides a solution to this long felt but unsatisfied need. Indeed, it was the instant applicants who first recognized the advantage of making the modification". This is not persuasive. Spencer discloses all features of the claimed invention as disclosed above including the

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flange portion has a Locking hole and the second fold-to-bend portion has a Locking projection that penetrates through the Locking hole. However, Spencer does not disclose the second fold-to-bend portion has a Locking hole and the flange portion has a Locking projection that penetrates through the Locking hole. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a second fold-to-bend portion has a Locking hole and a flange portion has a Locking projection that penetrates through the Locking hole, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. In response to Applicants' argument based upon the age of the references, contentions that the reference patents are old, is not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the reference. *In re Neal*, 179 USPQ 56 (CCPA 1973).

6. In response to the argument of claim 8, although Spencer silent about the locking hole (104b) is a hole in shape of long hole, which act as a dowel hole. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a locking hole is a hole in shape of long hole, which act as a dowel hole, since there is no mention in the specification that the long locking hole is a better locking hole and improve in the perform of the present invention; therefore, a round locking hole as taught by Spencer and the long locking hole as taught by the present application for their use for locking are considered equivalents, and one of ordinary skill in the art

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would have found it obvious to substitute the round locking hole and the long locking hole.

7. In response to the argument of claim 9, applicants argue that the locking holes 31 and the locking projections 35 of the present application comparing to the dimples 106b and opening 104b are not the same. Although, they was call by different terminologies; however, they are actually the same, because they have the same structures and perform the same function when comparing to each others.

8. With regard claims 4-5, applicants argue "Enami does not teach or suggest that a second fold-to-bend portion has a locking hole and a flange portion has a locking projection penetrate through the locking hole as recited in claim 1. Therefore, Enami fails to make up for the aforementioned Spencer's deficiencies. Thus, the asserted combination of Spencer and Enami, does not teach or suggest all of the limitations of claim 1, on which claims 4 and 5 directly or indirectly depend". The examiner disagrees. Spencer discloses substantially all features of the claimed invention except insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body. Enami discloses an inner box (4) for a cooking appliance having insulating films are formed on a surface of the front plate (5) on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body (col. 1, lines 40-68). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Spencer insulating films are formed on a surface of the front plate on a side opposed to a side of being connected with the inner

main body and an outer side surface of the inner main body as taught by Enami in order to improve visible appearance. Enami's reference is only used for teaching the missing limitations such as, an inner box (4) for a cooking appliance having insulating films are formed on a surface of the front plate (5) on a side opposed to a side of being connected with the inner main body and an outer side surface of the inner main body (col. 1, lines 40-68), and the other limitations are already disclosed by Spencer's reference. Therefore, the combination of Spencer and Enami teaches the limitations of claims 4-5.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/
Primary Examiner, Art Unit 3742
May 6, 2008

Quang T Van
Primary Examiner
Art Unit 3742